

CLEAN COPY of the AMENDED CLAIMS:

1. (Currently Amended) An isolated polynucleotide encoding a *Bacillus* species insecticidal protein toxic to an insect pest, wherein said protein comprises the amino acid sequence substantially as set forth in SEQ ID NO:6.
2. (Currently Amended) The isolated polynucleotide of claim 1, wherein said toxin is active against a coleopteran insect pest.
3. (Currently Amended) The isolated polynucleotide according to claim 2, wherein said coleopteran insect pest is selected from the group consisting of a corn rootworm and a Colorado potato beetle.
4. (Currently Amended) The polynucleotide according to claim 3, wherein said corn rootworm is selected from the group consisting of a western corn rootworm, a southern corn rootworm, or a northern corn rootworm.
5. (Currently Amended) The polynucleotide according to claim 1, comprising the nucleotide sequence as set forth in SEQ ID NO:5.
6. (Currently Amended) The polynucleotide of claim 1 comprising a modified nucleotide sequence intended for use in plants and encoding substantially the amino acid sequence as set forth in SEQ ID NO:6 from amino acid position 44-365.
7. (Currently Amended) A host cell transformed to contain a polynucleotide comprising a modified nucleotide sequence intended for use in plants and encoding substantially the amino acid sequence as set forth in SEQ ID NO:6 from amino acid position 44-365.
8. (Currently Amended) The host cell of claim 7, wherein said host cell is a plant cell.
9. – 13. (Cancelled)

14. (Currently Amended) A method for detecting a polynucleotide from a *Bacillus* species encoding an insecticidal protein exhibiting an amino acid sequence substantially as set forth in SEQ ID NO:6 from amino acid position 44-365, wherein said polynucleotide hybridizes to the nucleotide sequence selected from the group consisting of SEQ ID NO:2, SEQ ID NO:3 (tic901), SEQ ID NO:5(tic1201), SEQ ID NO:7 (tic407), SEQ ID NO:9 (tic417), and SEQ ID NO:32 (tic431) or with the complement thereof under stringent hybridization conditions.

15. – 17. (Cancelled)

18. (Currently Amended) The host cell of claim 8 selected from the group of plant cells comprising a monocot plant cell and a dicot plant cell.

19. (Currently Amended) The host cell of claim 18 wherein said monocot plant cell is selected from the group of plant cells comprising a corn plant cell, a wheat plant cell, a rice plant cell, an oat plant cell, an onion plant cell, and a grass plant cell.

20. (Currently Amended) The host cell of claim 18 wherein said dicot plant cell is selected from the group of plant cells comprising a cotton plant cell, a canola plant cell, a soybean plant cell, a fruit tree plant cell, an okra plant cell, a pepper plant cell, an ornamental plant cell, a sunflower plant cell, a cucurbit plant cell, and a melon plant cell.

21. (Currently Amended) An isolated nucleic acid molecule encoding a *Bacillus* species toxin protein that exhibits at least about 78% sequence identity to the amino acid sequence as set forth in SEQ ID NO:6 from amino acid position 44-365 or a coleopteran-toxic variant or portion thereof. (BASIS for toxic is page 8, line 24)

22. – 26. (Cancelled)

27. (Currently Amended) A recombinant DNA construct, comprising a polynucleotide sequence encoding a *Bacillus* species insecticidal protein exhibiting at least about

78% identity to the amino acid sequence as set forth in SEQ ID NO: 6 from amino acid position 44-365.

28. – 34. (Cancelled)

35. (Currently Amended) The recombinant DNA construct of claim 27 for use in producing a recombinant host cell, wherein said insecticidal protein is selected from the group consisting of SEQ ID NO:4, SEQ ID NO:6, SEQ ID NO:8, SEQ ID NO:10, and SEQ ID NO:33.

36. (Currently Amended) The recombinant DNA construct of claim 35, wherein said recombinant host cell is a plant cell.

37. – 47. (Cancelled)

48. (New) The isolated polynucleotide of claim 1, wherein said *Bacillus* species is selected from the group consisting of a *Bacillus thuringiensis*, a *Bacillus sphaericus*, and a *Bacillus laterosperous*.